

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

SCOTT MAIONE AND TASHA OSTLER, on  
behalf of themselves and on behalf of their three  
infant children,

Plaintiffs,

-against-

18 **CIVIL** 7452 (KMK)

**JUDGMENT**

DR. HOWARD A. ZUCKER, et al.,

Defendants.

-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated March 15, 2022, both Motions are granted in full. All claims against Defendant Sherwood are dismissed without prejudice. All claims against the remaining Defendants are dismissed with prejudice. See *Denny v. Barber*, 576 F.2d 465, 471 (2d Cir. 1978) (holding that the plaintiff was not entitled to "a third go-around"); *Melvin v. County of Westchester*, No. 14-CV-2995, 2016 WL 1254394, at \*24 n.19 (S.D.N.Y. Mar. 29, 2016) (granting motion to dismiss with prejudice where "[the] [p]laintiff has already had two bites at the apple, and they have proven fruitless" (alteration and quotation marks omitted)).

**Dated:** New York, New York

March 15, 2022

**RUBY J. KRAJICK**

\_\_\_\_\_  
**Clerk of Court**

**BY:**

*K. mango*

\_\_\_\_\_  
**Deputy Clerk**